



October 21, 2009

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Letter of Inquiry Concerning Google Voice Calling Restriction; *Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135

Dear Ms. Dortch:

The attached letter was sent today to Sharon E. Gillett, Chief, Wireline Competition Bureau. Please include the letter in the docket of the proceeding identified above.

Sincerely,

Glenn T. Reynolds
Vice President, Policy



October 21, 2009

Sharon E. Gillett
Chief, Wireline Competition Bureau
Federal Communications Bureau
445 12th Street, S.W.
Washington, D.C. 20554

Re: Letter of Inquiry Concerning Google Voice Calling Restriction; *Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135

Dear Ms. Gillett:

USTelecom writes to express its support for the recent letter of inquiry issued by the Wireline Competition Bureau relating to Google's acknowledged position that it may block its customers from calling certain telephone numbers and may decide which information its customers may access using the Google Voice service.¹ The questions asked in that letter are critical to ensuring that all providers in this exceedingly competitive market are competing on a level regulatory playing field.

While we are encouraged by the Bureau's timely issuance of a letter of inquiry to Google on this matter, we believe that the letter fails to explore one critically important avenue that would shed significant light on the nature of Google's conduct. While Google has so far declined to provide information on the scope of its limitations on its customers' use of Google Voice or how it determines which telephone numbers to block, Google has admitted that it retains the right to restrict calls to certain telephone numbers or areas of the country that have what it unilaterally determines to be unacceptably "steep access charges."² In addition,

¹ Letter from Sharon E. Gillett, Chief, Wireline Competition Bureau, to Richard S. Whitt, Esq., Washington Telecom and Media Counsel, Google Inc. (October 9, 2009).

² "Google's Phone Service Likely to Draw Scrutiny," *Wall Street Journal* (September 23, 2009) available at <http://online.wsj.com/article/SB125357862855329543.html> (WSJ Article). See also "Sex, conference calls, and outdated FCC rules," Google Policy Blog, Posted by Richard Whitt (October 9, 2009) (asserting certain LECs charge "exorbitant termination rates") available at <http://googlepublicpolicy.blogspot.com/2009/10/sex-conference-calls-and-outdated-fcc.html>; "Response to AT&T's letter to FCC on Google Voice," Google Policy Blog, Posted by Richard Whitt (September 25, 2009) (asserting certain LECs charge "especially high rates to connect calls to their networks"), available at <http://googlepublicpolicy.blogspot.com/2009/09/response-to-at-letter-to-fcc-on-google.html>.

questions recently have been raised by commenters in the record of the Commission's docket on traffic pumping as to whether various companies, including Google Voice, have been engaging in other forms of access charge arbitrage. Specifically, ZipDX points out that Google Voice and other similar services appear to be intentionally avoiding paying access charges on calls delivered to other carriers while simultaneously collecting access charges on calls delivered to their own networks.³

In light of these allegations, as well as Google's own statements defending its call blocking, it is critically important to the integrity of the existing inter-carrier compensation system that the Commission add the following question to the inquiry it has already submitted to Google:

6. It has been reported that Google "reserves the right to restrict calls to certain telephone numbers, such as adult chat lines or free conference-call centers, that have steep access charges."⁴ In light of this report, please answer the following:
 - a. At what level has Google determined that access charges are too "steep" and what is the basis for this determination? Does Google apply the standard uniformly in all cases? How and where does Google disclose this information to its customers?
 - b. Does Google, Bandwidth.com or any other entity that Google contracts with to provide Google Voice *pay* access charges for *all* non-local traffic where it does not block? If so, which entity is responsible for paying these access charges?
 - c. Does Google, Bandwidth.com or any other entity Google contracts with to provide Google Voice *assess* originating or terminating switched access charges for any calls associated with Google Voice? If so, which entity bills for this service, what rates are charged, what access rate elements are included in such charges, what access functions are performed, and on which entities are those charges assessed?
 - d. Does Google's decision to block calls to certain numbers consider the content or type of service that can be accessed using that number? Whether or not Google does so today, does Google believe that it legally may block access to telephone numbers based upon the content or services offered at that number?

³ See, e.g., Ex parte Letter from David Frankel, CEO, ZipDX LLC to Marlene Dortch, Secretary, FCC, WC Docket 07-135 (filed September 21, 2009) (ZipDX Ex Parte Letter).

⁴ WSJ Article

USTelecom also notes that at least two other service providers, Speakeasy and majicJack (together with its CLEC partner YMAX), have apparently engaged in similar conduct.⁵ The Commission should issue letters of inquiry to these providers as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Reynolds". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Glenn Reynolds
Vice President- Policy

cc: Priya Aiyer
Jennifer Schneider
Christine Kurth
Carol Simpson
Christi Shewman
Julie Veach
Bill Dever
Al Lewis

⁵ See, e.g., *Communications Daily*, October 2, 2009 at p. 12; ZipDX Ex Parte Letter.